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c 413 Public Lands Act

Ontario

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CHAPTER 413

Public Lands Act

1. In this Act,

Interpre-
tation

- (a) "mines and minerals" includes gold, silver, copper, lead, iron and other mines and minerals, and quarries, and beds of stone, marble or gypsum;
- (b) "Minister" means the Minister of Natural Resources;
- (c) "Ministry" means the Ministry of Natural Resources;
- (d) "public lands" includes lands heretofore designated as Crown lands, school lands and clergy lands;
- (e) "regulations" means the regulations made under this Act. R.S.O. 1970, c. 380, s. 1; 1972, c. 4, s. 12.

PART I

MINISTRY OF NATURAL RESOURCES

2. The Minister shall have charge of the management, sale and disposition of the public lands and forests. 1972, c. 29, s. 1.

Function of
Minister

3. Where 25 per cent or more of the frontage of lands fronting on a body of water are public lands, lands comprising at least 25 per cent of the frontage and to such depth as the Minister considers appropriate shall be set apart for recreational and access purposes and, where less than 25 per cent of the frontage of lands fronting on a body of water are public lands, all public lands fronting thereon and to such depth as the Minister considers appropriate shall be set apart for such purposes. R.S.O. 1970, c. 380, s. 3.

Public
reserves

4. The Lieutenant Governor in Council may make such regulations as the Lieutenant Governor in Council considers necessary to carry out the provisions of this Act, or to meet cases for which no provision is made by this Act. R.S.O. 1970, c. 380, s. 7.

Power
to make
regulations

**Appointment
of officers
and agents**

5. The Lieutenant Governor in Council may appoint such officers and agents to carry out this Act and the regulations as the Lieutenant Governor in Council considers necessary. R.S.O. 1970, c. 380, s. 8.

**Exercise
of powers**

6. The powers conferred on the Minister by this Act shall be exercised subject to the regulations and they may also be exercised by the Lieutenant Governor in Council. R.S.O. 1970, c. 380, s. 9.

**Surveys and
annulments**

7.—(1) The Minister may cause any public lands to be surveyed or subdivided and he may annul in whole or in part any survey or subdivision made under this section or a predecessor of this section.

**Amended
plans**

(2) Where a plan of survey or subdivision made under subsection (1) or a predecessor of subsection (1) has been or is lodged with the proper land registrar and the Minister annuls in whole or in part the survey or subdivision, the Minister shall cause an amended plan to be lodged with such land registrar. R.S.O. 1970, c. 380, s. 11 (1, 2).

**Substitution
of letters
patent**

(3) Where letters patent have been issued for any land that is affected by an annulment under subsection (1), the Minister shall cause the letters patent to be cancelled and letters patent containing a revised description of the land to be issued in their stead and letters patent heretofore or hereafter so issued shall,

(a) relate back to the date of the letters patent so cancelled;

(b) have the same effect as if issued at the date of such cancelled letters patent; and

(c) have the effect of amending, with necessary modifications, every instrument made prior to the date of such cancelled letters patent by the patentee or any person claiming through or under him. 1972, c. 29, s. 2.

**Altering
and
amending
plan**

8.—(1) Where in any instrument, including a Crown grant, there is a description of a township lot or any part of a township lot and by reason of an error in the original survey of the boundaries of any lake, river or stream the whole or part of which is situate in or flows through the township or by reason of no survey of such boundaries having been made in the original survey of the township the boundaries of such lot or part do not approximate the boundaries of such lot or

part as established by a resurvey of the township or any part thereof, the Minister may cause an altering and amending plan to be prepared by an Ontario land surveyor.

(2) Every altering and amending plan shall conform as nearly as may be to a plan of subdivision under section 144 of the *Land Titles Act* or section 73 of the *Registry Act*, as the case may be, except that it shall be signed by the Surveyor General or his deputy on behalf of all persons having an interest in the land shown thereon.

Manner of preparation

R.S.O. 1980, cc. 230, 445

(3) When an altering and amending plan has been prepared, the Minister shall send a print of the plan by registered mail to each person appearing to have an interest therein, whereupon the provisions of section 48 of the *Surveys Act* with respect to notice, hearing and confirmation apply with necessary modifications.

Hearing, etc.

R.S.O. 1980, c. 493

(4) An altering and amending plan, when confirmed by the Minister pursuant to subsection (3), shall be registered in the proper land registry office, whereupon the boundaries of the lots or blocks shown thereon shall be deemed to be the true boundaries of such lots or blocks.

Boundaries confirmed

(5) Where an altering and amending plan has been registered in a land registry office for a land titles division, the registers for the parcels affected shall be amended accordingly.

Procedure in land registry office

(6) Where an altering and amending plan has been registered in a land registry office for a registry division, the land registrar shall keep an index of the land described and designated by any number or letter on the plan by the name by which it is so designated and every instrument affecting the land or any part thereof, executed after the plan is registered, shall conform and refer thereto, otherwise it shall not be registered except in cases provided for by section 80 of the *Registry Act*.

Idem

(7) The costs and expenses of and incidental to the preparation and registration of an altering and amending plan shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 380, s. 12, *revised*.

Costs and expenses

9.—(1) Where an application to purchase public lands that are open for sale but are not surveyed is received, the Surveyor General may require the applicant to have a survey made and to bear the cost thereof, or he may fix the survey fee to be paid by the applicant, and upon payment of the survey fee the Surveyor General shall cause the lands to be surveyed.

Where survey required

Idem

(2) The requirements of subsection (1) are additional to the payment of the sale price of the lands. R.S.O. 1970, c. 380, s. 13.

GRANTS, SALES, LICENCES OF OCCUPATION, ETC.

Appropriation for certain public purposes and free grants thereof made

10.—(1) The Lieutenant Governor in Council may set apart and appropriate such of the public lands as the Lieutenant Governor in Council considers expedient for roads and for the sites of wharves or piers, market places, jails, court houses, public parks or gardens, town halls, hospitals, places of public worship, burying grounds, schools, and for purposes of agricultural exhibitions, and for other like public purposes, and for model or industrial farms; and may make free grants for such purposes, and the trusts and uses to which they are to be subject shall be expressed in the letters patent; but no grants shall be for more than four hectares in any one case, and for any one of such purposes, except for a model or industrial farm, in which case the grant shall not be for more than forty hectares. R.S.O. 1970, c. 380, s. 14 (1); 1978, c. 87, s. 30 (1).

Revocation

(2) The Lieutenant Governor in Council at any time before the issue of the letters patent may revoke any such appropriation. R.S.O. 1970, c. 380, s. 14 (2).

Public lands set apart for research

11.—(1) The Lieutenant Governor in Council may set apart areas of public lands for any purpose that will benefit research in, and the management, utilization and administration of, the public lands and forests.

Small boat anchorages

(2) The whole or part of any area of public lands covered with water that is set apart for the purposes of a harbour under subsection (1) shall border on public lands not covered with water and such lands or such part thereof as is considered proper shall be set apart concurrently with the public lands covered with water. R.S.O. 1970, c. 380, s. 15.

Zoning plans

12.—(1) For the purpose of the management of public lands, the Minister may from time to time establish classes of zones, such as "Open", "Deferred", "Closed" or otherwise as he considers proper, may define the purposes for which public lands of each class may be administered, may cause areas of public lands to be laid down on maps or plans and may designate such areas as zones, and any area of public lands so designated shall be administered only for the purposes defined for the designated class of zone. R.S.O. 1970, c. 380, s. 16 (1); 1972, c. 29, s. 3.

Plan of subdivision may be required

(2) The Minister may designate areas in which the public lands are not open for disposition as summer resort locations

until a plan of subdivision of the lands to be disposed of is registered under the *Land Titles Act* or the *Registry Act*. R.S.O. 1980, c. 230, 445
R.S.O. 1970, c. 380, s. 16 (2).

13.—(1) The Minister may designate any area in territory ^{Restricted areas} without municipal organization as a restricted area, and he may issue permits for the erection of buildings or structures or the making of improvements on lands in any such area on such terms and conditions in any case as he considers proper. R.S.O. 1970, c. 380, s. 17 (1).

(2) Except under the authority of a permit issued under ^{Permits} this Act, no person shall erect or cause to be erected any building or structure or make or cause to be made any improvement on any lands in any area in territory without municipal organization that is designated by the Minister as a restricted area.

(3) Every person who erects or causes to be erected a ^{Offences} building or structure or makes or causes to be made any improvement on lands in an area designated by the Minister as a restricted area without a permit therefor and every person who contravenes or causes to be contravened any term or condition of a permit issued under this section is guilty of an offence and on conviction is liable to a fine of not more than \$500. 1971, c. 46, s. 1.

(4) This section does not apply to the erection of buildings ^{Exception, mines, etc.} or structures or the making of improvements on lands for the purpose of the exploration or development of mines, minerals or mining rights. R.S.O. 1970, c. 380, s. 17 (4).

14.—(1) The Lieutenant Governor in Council may make ^{Regulations re sale or lease of public lands} regulations,

(a) prohibiting or regulating and controlling the sale or lease of public lands for any specified purpose or use, other than agricultural purposes, and fixing the prices or rentals and the terms and conditions of sale or lease;

(b) fixing the periods for which the Minister may extend the time for performance of a term or condition of a sale or lease under subsection 22 (2) and prescribing the fee therefor.

(2) The Minister may fix such terms and conditions of sale ^{Terms and conditions of sale or lease} or lease as he considers proper in addition to those required under subsection (1).

Idem

(3) Any regulation made under subsection (1) may be made applicable to any part of Ontario and may for the purposes of subsection (1) define any term used therein.

Sale by
tender or
auction

(4) The Minister may, whether or not the consideration has been fixed by the regulations, dispose of public lands by tender or by auction upon such terms and conditions as he considers proper.

Subsequent
sale or
lease

(5) Where public lands offered for sale or lease by tender or auction are not disposed of, the Minister may at any time thereafter sell or lease any such lands at such price or rental and upon such terms and conditions as he considers proper.

Reservation
of trees and
minerals

(6) In every sale or other disposition of public lands for summer resort locations there shall be reserved to the Crown all mines and minerals thereon or thereunder, and the instrument of sale or other disposition shall so provide. R.S.O. 1970, c. 380, s. 18.

Sale, etc.,
of public
lands not
otherwise
provided for

15. Where the sale or lease of any public lands is not otherwise provided for in this or any other Act or the regulations, the Minister may direct the sale or lease of any such public lands at such price or rental and upon such terms and conditions as he considers proper, but no such sale or lease shall be made of parcels of more than five hectares, and in the case of a sale at less than \$24.70 a hectare and in the case of a lease at less than \$12.35 a hectare per annum, without the approval of the Lieutenant Governor in Council. R.S.O. 1970, c. 380, s. 19; 1972, c. 29, s. 4; 1978, c. 87, s. 30 (2).

Quit claim
of public
lands to
person in
possession

16. Where a person has been in actual possession of public lands by himself or through his predecessors for more than sixty years, the Minister may cause a quit claim to be issued to such person in respect of such lands at such price and upon such terms and conditions as he considers proper. R.S.O. 1970, c. 380, s. 20.

Land use
conditions

17.—(1) Letters patent for land sold or leased under this Act may contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner and every such condition shall be deemed to be annexed to the land.

Where
condition
violated

(2) Where land has been or is being used in violation of a condition in the letters patent, the Minister may apply by way of originating notice of motion to the judge of the county or district court of the county or district in which the land is situate for an order forfeiting the land to the Crown and for possession of the land, and the judge, upon

proof to his satisfaction that the land has been or is being used in violation of the condition, shall make an order declaring that, upon registration of the order under subsection (4), the land is forfeit to the Crown and requiring any person in possession of the land to deliver up possession of the land to the Minister or to any person authorized by the Minister to receive possession of it.

(3) An order made under subsection (2) has the same force ^{Idem} as a writ of possession and the sheriff or bailiff or person to whom it is entrusted for execution shall execute it in like manner as he would a writ of possession in an action for the recovery of land.

(4) A certified copy of an order made under subsection (2) ^{Idem} shall be registered in the proper land registry office and, upon registration, the land is vested in the Crown and may be granted, sold, leased or otherwise disposed of in the same manner as public lands may be dealt with under the laws of Ontario. R.S.O. 1970, c. 380, s. 21.

18. Where land has been sold or leased under this Act and the letters patent therefor contain a condition that the land is to be used in a particular manner or a condition that the land is not to be used in a particular manner, the Minister may, upon such terms and conditions as he considers proper, make an order releasing the land or any part thereof from the condition or any part thereof contained in the letters patent. R.S.O. 1970, c. 380, s. 22. ^{Release of land use conditions}

19.—(1) The Minister may issue under his hand and seal a licence of occupation to any person who has purchased, or is permitted to occupy, or is entrusted with the care or protection of any public lands or who has received or been located on any public lands as a free grant. ^{Licences of occupation}

(2) Such person or his assigns may take possession of and occupy the land for which the licence is issued, subject to the conditions of the licence, and may under it, unless it has been revoked or cancelled, maintain actions against any wrongdoer or trespasser, as effectually as he could under letters patent from the Crown. ^{Effect of licence of occupation}

(3) The licence of occupation is *prima facie* evidence of the right to possession by such person and his assigns of the land, but has no force against a licence to cut pine trees existing at the time of its issue or where the pine trees are reserved to the Crown against a licence to cut such trees then existing or thereafter issued. R.S.O. 1970, c. 380, s. 23. ^{As evidence}

Easements

20. The Minister may grant easements in or over public lands for any purpose. R.S.O. 1970, c. 380, s. 24.

Minister to decide as to right to patent

21. The Minister has authority to determine all questions that arise as to the rights of persons claiming to be entitled to letters patent of land located or sold under this Act and his decision is final and conclusive. R.S.O. 1970, c. 380, s. 25.

Cancellation of sale, etc., of land in case of fraud or error, etc.

22.—(1) If the Minister is satisfied that a purchaser, locatee or lessee of public lands, or any person claiming under or through him, has been guilty of fraud or imposition, or has violated any of the conditions of sale, location or lease, or of the licence of occupation, he may cancel such sale, location, lease or licence, and resume the land and dispose of it as if the same had never been made, and upon such cancellation all moneys paid in respect of such sale, location or lease remain the property of the Crown and the improvements, if any, on the land are forfeited to the Crown.

Extension of time

(2) The Minister may, upon payment of the prescribed fee, extend the time for the performance of any condition of a sale or lease for such period as is fixed by the regulations. R.S.O. 1970, c. 380, s. 26.

Interpretation

23.—(1) In this section, "lands" means public lands and includes public lands covered with water.

Mode of obtaining possession of public lands

(2) Where a person refuses or neglects to deliver up possession of any lands after the revocation, cancellation or expiration of the sale or lease thereof or of a licence of occupation or other document under which he was permitted to occupy or was entrusted with the care or protection of the lands, or where a person is in possession or occupation of lands without lawful authority and refuses or neglects to vacate or abandon possession or occupation of the same, the Minister may apply by way of originating notice of motion to a judge of the county or district court of the county or district in which any part of the lands is situate for an order for possession, and the judge, upon proof to his satisfaction that the right or title of the person to hold the lands has been revoked or cancelled or has expired, or that the person is in possession or occupation of the lands without lawful authority, shall make an order requiring him to deliver up the lands to the Minister.

Idem

(3) Where a person is in possession or occupation of lands without lawful authority and upon fifteen days notice by the Minister to vacate or abandon possession or occupation of the same, or to remove therefrom any building, structure or thing, refuses or neglects to do so, the Minister may by his warrant require such person to deliver up the lands to the

person named in the warrant and he may by his warrant authorize any person to remove such first-mentioned person from the land or any building, structure or improvement therefrom.

(4) Any building or thing remaining on lands after the revocation, cancellation or expiration of the sale or lease of the lands or of a licence of occupation or other document under which a person was permitted to occupy or was entrusted with the care or protection of the lands or any building or thing on lands possessed or occupied without lawful authority is the property of the Crown and may be sold, disposed of or destroyed under the direction of the Minister.

Building
or thing
remaining
on lands

(5) The order or warrant has the same force as a writ of possession, and the sheriff or bailiff or person to whom it is entrusted for execution shall execute it in like manner as he would a writ of possession in an action for the recovery of land.

Effect of
order or
warrant

(6) The sheriff, bailiff or other person executing the order or warrant may take with him all necessary assistance and has the right to demand such assistance in the same manner as a constable or other peace officer in the execution of his duty.

Officer's
right to
demand
assistance,
etc.

(7) If a person who has given up possession of or has been removed from any land under the authority of this section again returns to or enters upon it, the order or warrant is a sufficient authority to the officer or person named in it again to remove such person from the land, and the power of removal may be exercised under such order or warrant from time to time and as often as occasion requires.

Person
removed
may
be again
removed

(8) Every person who refuses to obey any such order or warrant, or who resists, obstructs or interferes with any person executing it, or who again returns to the land, is guilty of an offence and on conviction is liable to a fine of not less than \$20 and not more than \$100 and to imprisonment for a term of not more than six months. R.S.O. 1970, c. 380, s. 27.

Offence

24.—(1) Any person who enters into possession of public lands without lawful authority and erects any building or structure or makes any improvements thereon is liable to a penalty of an amount equal to twice the market value of the public land so entered as determined by the Minister.

Penalty for
unlawfully
taking
possession
of public
lands and
erecting
buildings,
etc.

(2) A penalty imposed under subsection (1) is recoverable at the suit of the Minister in any court of competent jurisdiction.

Recovery of
penalty

Idem

(3) If a person fails to pay a penalty imposed upon him under subsection (1) and the Minister brings an action for the recovery of the penalty, it is the duty of the court,

(a) to determine whether such person is liable to a penalty under subsection (1);

(b) if it is determined that the person is liable to a penalty, to confirm or vary the amount thereof claimed by the Minister;

(c) to give such judgment as it considers proper; and

(d) to make such order as to costs or otherwise as it considers proper.

Saving

(4) Nothing in this section limits or in any way affects any right or remedy of the Minister or the Crown at common law or under any statute. R.S.O. 1970, c. 380, s. 28.

Penalty for
unauthorized
filling in,
etc., of
public lands

25. Every person who without the written consent of the Minister or an officer authorized by the Minister throws or deposits or causes to be deposited any material, substance or thing upon public lands whether or not covered with water or ice, or both, is guilty of an offence and on conviction is liable to a fine of not more than \$500. 1971, c. 46, s. 2.

Unauthorized
occupation,
etc., of posted
public lands

26.—(1) The Ministry may cause to be erected on any public lands, including a road under the jurisdiction of the Minister, signs prohibiting, controlling or governing,

(a) the possession, occupation or any use or uses thereof;
or

(b) the parking of vehicles thereon. 1971, c. 46, s. 3, *part*; 1972, c. 1, s. 1.

Offences

(2) Every person who possesses, occupies or uses any public lands on which signs have been erected under clause (1) (a) in contravention of any such sign, or who parks a vehicle on public lands on which signs have been erected under clause (1) (b) in contravention of any such sign, and who has had a reasonable opportunity of seeing any of such signs, is guilty of an offence and on conviction is liable to a fine of not more than \$500. 1971, c. 46, s. 3, *part*.

Restraint on
alienation of
rights in
unpatented
lands

27.—(1) Except with the consent in writing of the Minister, public lands that have been purchased under this Part shall

not, before the issue of letters patent, be alienated, mortgaged, or charged, either voluntarily or involuntarily, except by devise or sale under the authority of any Act of the Legislature relating to taxation or statute labour.

(2) Except by mortgage or charge thereon made in favour of the Crown, neither the land nor any interest or right therein is, before the issue of letters patent, liable for the satisfaction of any debt or liability contracted or incurred by such purchaser, his widow, heirs or devisees. R.S.O. 1970, c. 380, s. 31.

Lands not to be liable for debts incurred before patent

28. Where rent payable to the Crown on a lease of public lands is in arrear, the Minister or an agent or officer appointed under this Act and authorized by the Minister to act in such cases may issue a warrant, directed to any person named in it, in the nature of a distress warrant, as in ordinary cases of landlord and tenant; and the same proceedings may be had thereon for the collection of such arrears as in the last-mentioned cases; or an action may be brought in the name of the Minister for the recovery of the arrears, but a demand of the rent is not necessary in any case. R.S.O. 1970, c. 380, s. 32.

Issue of distress warrant, or action for rent in arrear

29. A grant or letters patent issued to or in the name of a person who is dead is not therefore void, but the title to the land thereby granted or intended to be granted vests in the heirs, assigns, devisees or other legal representatives of the deceased person according to the laws in force in Ontario as if the grant or letters patent had issued to or in the name of the deceased person during his lifetime. R.S.O. 1970, c. 380, s. 33.

Grants or letters patent issued after death of grantee or patentee

30.—(1) Where letters patent have been issued to or in the name of the wrong person, through mistake, or contain any clerical error or misnomer or a wrong description of the land intended to be granted, the Minister, if there is no adverse claim, may direct the defective letters patent to be cancelled and corrected letters patent to be issued in their stead.

Cancellation of erroneous letters patent

(2) Corrected letters patent heretofore or hereafter issued shall,

Effect of corrected letters patent

- (a) relate back to the date of the defective letters patent cancelled pursuant to subsection (1);
- (b) have the same effect as if issued at the date of the defective letters patent cancelled pursuant to subsection (1); and

- (c) have the effect of correcting, with necessary modifications, every instrument made prior to the date of such corrected letters patent by the patentee or any person claiming through or under him.

Land
registered
under
R.S.O. 1980,
c. 230

(3) The powers conferred by subsection (1) may be exercised notwithstanding that the land has been registered under the *Land Titles Act*. 1971, c. 46, s. 4.

Compensa-
tion in case
of double or
inconsistent
grants

31. Where grants or letters patent for the same land inconsistent with each other have been issued through error, or where sales or appropriations of the land inconsistent with each other have been made, the Minister may, in cases of sale, cause a repayment of the purchase money, with interest to be made to the person damnified, or where the land has passed from the original purchaser, or has been improved before discovery of the error, or where the original grant or appropriation was a free grant, he may in substitution appropriate land or give a certificate entitling the person damnified to public lands, of such value and to such extent as the Minister considers just; but no claim shall be entertained unless it is made within five years from the discovery of the error. R.S.O. 1970, c. 380, s. 35; 1972, c. 29, s. 5.

Compensa-
tion for
deficiency
of land

32.—(1) Where by reason of erroneous survey or of error in the books or plans in the Ministry any grant, sale or appropriation of land is found to be deficient, or any parcel of land contains less than the quantity of land mentioned in the letters patent therefor, the Minister may direct that the purchase money of so much land as is deficient, with interest thereon from the time of the application for a refund or if the land has passed from the original purchaser, the Minister may direct that the purchase money that the claimant, if he was ignorant of the deficiency at the time of his purchase, paid for so much of the land as is deficient, with interest thereon from the time of the application for a refund, be paid to him in land or money, as the Minister may direct. R.S.O. 1970, c. 380, s. 36 (1); 1972, c. 1, s. 1.

Case of
free grants

(2) In the case of a free grant, the Minister may direct a grant to be made of other land equal in value to so much of the land intended to be granted as is deficient, as a free grant.

Limitations

(3) No claim shall be entertained unless it is made within five years from the date of the letters patent, or unless the deficiency is equal to one-tenth of the whole quantity described as being contained in the land granted. R.S.O. 1970, c. 380, s. 36 (2, 3).

33. If letters patent for land are repealed or avoided in a judicial proceeding, the judgment shall be registered in the proper land registry office. Registration of judgments R.S.O. 1970, c. 380, s. 37.

34.—(1) The Minister may reduce the price of any public lands sold by the Crown before the 23rd day of June, 1942, where it appears that the land was sold at a price beyond its fair value, and that the price or part of it remains unpaid, but the reduction shall not exceed the amount that remains unpaid. Reduction in the price of lands sold

(2) The Minister may also make such abatement as he considers just of the arrears of interest upon the unpaid purchase money of any public lands sold by the Crown before the 23rd day of June, 1942. Abatement of interest

(3) Before any such reduction or abatement is made, the land shall be examined and valued by an inspector appointed for that purpose by the Minister. Inspection of lands

(4) The reduction and abatement shall be confined to cases in which the purchaser from the Crown or some person claiming under him is in occupation of the land and is an actual settler on it or on land adjacent to it. Persons entitled to a reduction

(5) In the case of school lands, such reductions and abatements shall be made only in respect of, and in proportion to, the share or interest of Ontario in the lands and the price thereof, and do not extend to or affect the share or interest of the Province of Quebec in the lands or the price thereof. Reduction in case of school lands not to affect share of Quebec R.S.O. 1970, c. 380, s. 38.

35. The Minister shall in the month of February in every year transmit to each assessment commissioner appointed under the *Assessment Act* a list of all lands in the assessment region patented, sold or agreed to be sold by the Crown, or leased, or appropriated to any person, or in respect of which a licence of occupation was issued during the next preceding calendar year and a list of the cancellations of any licence of occupation, sale, lease, location or appropriation of land in the assessment region during the next preceding calendar year. Annual list to assessment commissioners R.S.O. 1980, c. 31

36.—(1) In this section, "Crown grant" means a grant of a freehold or leasehold interest in unpatented public lands or of an easement in or over unpatented public lands made under this or any other Act. Interpretation

(2) Where a Crown grant is made of public lands situate in a part of the Province to which the *Land Titles Act* Crown grants registered in land registry office R.S.O. 1980, c. 230

applies, the Minister shall cause to be forwarded to the proper land registrar the instrument by which the Crown grant is made, together with a copy thereof.

Idem

(3) Where a Crown grant is made of public lands, other than lands to which subsection (2) applies, the Minister shall cause to be forwarded to the land registrar of the registry division in which the lands are situate the instrument by which the Crown grant is made, together with a copy thereof.

Orders,
grants of
minerals
registered
in land
registry
offices
1922, c. 24

(4) Notwithstanding subsections (2) and (3), where an order is made under subsection 55 (5) or a grant of mineral rights is made under *The Canada Company's Lands Act, 1922*, the Minister shall cause such order or the instrument by which the Crown grant is made, as the case may be, together with a copy thereof, to be forwarded to the land registrar in whose office the land affected is registered.

Registration
in land
registry
office

R.S.O. 1980,
cc. 230, 445

(5) Notwithstanding subsections (2) and (3), where an instrument affecting any public lands has been registered in a land registry office and a Crown grant of the public lands is made, the Minister shall cause the instrument by which the Crown grant is made to be forwarded for registration and he may determine whether it shall be registered under the *Land Titles Act* or the *Registry Act*. R.S.O. 1970, c. 380, s. 40 (1-5), *revised*.

Registration

(6) Upon receipt of an instrument and the copy thereof under subsection (2), (3), (4) or (5), the land registrar shall, without fee or other charge, register the instrument, note particulars of registration on the copy and forward the copy to the grantee at the address furnished by the Ministry. R.S.O. 1970, c. 380, s. 40 (6); 1972, c. 1, s. 1.

How
Ministry
employees
may acquire
public lands

37. No person holding an office in or under the Ministry and no person employed in or under the Ministry shall, directly or indirectly, purchase any right, title or interest in any public lands either in his own name or by the interposition of any other person or in the name of any other person in trust for himself without the approval of the Lieutenant Governor in Council. R.S.O. 1970, c. 380, s. 41; 1972, c. 1, s. 1.

How
notices may
be given

38. Where by law or by any deed, lease or agreement relating to any public lands any notice is required to be given, or any act to be done, by or on behalf of the Crown, the notice may be given and the act may be done by the Minister or the Deputy Minister of Natural Resources or by a person acting under the authority of either of them. R.S.O. 1970, c. 380, s. 42; 1972, c. 4, s. 12.

39. The Minister may grant a lease or issue a licence of occupation in respect of any public lands covered with water at such rent or fee and upon such terms and conditions as he considers proper or as are prescribed by the regulations, or, with the approval of the Lieutenant Governor in Council, the Minister may sell any such lands at such price and upon such terms and conditions as he considers proper. R.S.O. 1970, c. 380, s. 45.

Sale, etc.,
of public
lands
covered
with water

40.—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister in his discretion may fix the terms and conditions upon which water powers or privileges granted by the Crown and any public lands necessary for the development thereof may be leased or developed.

Sale of water
powers and
privileges

(2) The Minister may sign all agreements, leases, licences, renewals or other writings relating to water powers or privileges or any public lands necessary for the development thereof. 1972, c. 29, s. 7.

Agreements,
etc., to be
signed by
Minister

41. Where any land forfeited to and vested in the Crown under the *Provincial Land Tax Act* has not been granted, sold, leased or otherwise disposed of, the Minister may direct the issuance of letters patent granting the land to the owner thereof at the time of such forfeiture, or to any person appearing to have had an interest therein at that time, or to the heirs, successors or assigns of such owner or person, upon such terms as the Minister considers just. R.S.O. 1970, c. 380, s. 46.

Grant of
forfeited
land to
former
owner
R.S.O. 1980,
c. 399

42. The Minister and any municipality may enter into agreements respecting the control and management by the municipality of any public lands comprised of beaches or lands covered with water in the municipality or elsewhere, but, where the public lands are in another municipality, no agreement shall be entered into without the consent of that municipality, and any such agreement may provide for the granting of leases by the municipality and the sharing of the rents therefrom. R.S.O. 1970, c. 380, s. 47.

Beach
management
agreements

43.—(1) There shall be a committee to be known as the Public Agricultural Lands Committee consisting of a chairman and such member or members as the Minister considers appropriate.

Public
Agricultural
Lands
Committee

(2) Subject to the approval of the Lieutenant Governor in Council, the chairman and members of the Committee shall be appointed by the Minister.

Appointment

Duty

(3) It is the duty of the Committee,

- (a) to recommend to the Minister areas of lands that are suitable for sale or other disposition for agricultural purposes and measures for the development of such areas;
- (b) to consider applications to acquire lands for agricultural purposes in any such area and all matters relevant thereto and to make recommendations to the Minister with respect thereto.

Sale, etc.,
of lands for
agricultural
purposes

(4) After having considered the recommendations of the Committee with respect thereto, the Minister may,

- (a) designate areas of lands that are suitable for sale or other disposition for agricultural purposes; and
- (b) enter into agreements for the sale or other disposition of such lands for agricultural purposes to such persons, at such prices or rentals and subject to such terms and conditions as he may determine.

Letters
patent
qualified

(5) Every agreement, licence and letters patent for land sold or otherwise disposed of under this section shall contain a condition that the land is to be used for agricultural purposes. R.S.O. 1970, c. 380, s. 48.

Acquisition
of lands
R.S.O. 1980,
c. 279

44.—(1) Lands may be acquired under the *Ministry of Government Services Act* for any forestry, agricultural or other program of the Ministry, and any lands so acquired shall be deemed to be public lands within the meaning of this Act. R.S.O. 1970, c. 380, s. 49 (1); 1972, c. 1, s. 1; 1973, c. 2, s. 2.

Agreements
for works,
etc.

(2) The Minister or the Minister of Government Services may enter into agreements with the owners of lands respecting the erection, maintenance and operation thereon of a public work within the meaning of the *Ministry of Government Services Act*. R.S.O. 1970, c. 380, s. 49 (2); 1973, c. 2, s. 2.

Registration
of agree-
ments

(3) An agreement entered into under subsection (2) may be registered in the proper land registry office and thereupon such agreement is binding upon every subsequent owner and mortgagee of the lands during the term of the agreement. R.S.O. 1970, c. 380, s. 49 (3).

PART II

ROADS ON PUBLIC LANDS

45. In this Part,

Interpretation

- (a) "private forest road" means a road occupied under the authority of a document issued under this Act or the regulations;
- (b) "public forest road" means a road, other than a private forest road, that is designated by the Minister as a public forest road;
- (c) "road" means a road or part of a road on public lands and includes the bridges, shoulders, ditches and right-of-way thereof, but does not include the King's Highway or a secondary highway, a tertiary road, a resource road or an industrial road designated under the *Public Transportation and Highway Improvement Act*, or a road under the jurisdiction of a statute labour board or a local roads board. R.S.O. 1980, c. 421
1970, c. 380, s. 50; 1971, c. 61, s. 1.

46. Except as otherwise provided in this Act, any person may exercise a public right of passage on a road other than a private forest road. 1975, c. 65, s. 1.

Public right of passage

47.—(1) No civil action shall be brought against the Crown or any person in respect of misfeasance, non-feasance or negligence in connection with the construction, maintenance, repair or closing of a road.

No liability for damages

(2) Subsection (1) does not apply to an action based on a contract between the parties to the action for the construction, maintenance or use of a road. R.S.O. 1970, c. 380, s. 52.

Exception

48.—(1) The Minister may designate a road other than a private forest road as a public forest road.

Public forest roads

(2) The *Regulations Act* does not apply to a designation made under subsection (1). R.S.O. 1970, c. 380, s. 53.

R.S.O. 1980, c. 446, not to apply

49.—(1) The district manager of the administrative district of the Ministry in which a public forest road is situate may, from time to time in his discretion and for such period or periods as he may determine, close the public forest road or part thereof to travel by the public generally or by any class or classes of the public or by the public generally with the exception of persons operating any class or classes of vehicles

Closure of public forest roads

used for hauling forest products or other products designated by the regulations. R.S.O. 1970, c. 380, s. 54 (1); 1972, c. 1, s. 1.

**Methods
of closure**

(2) A closing of a public forest road under subsection (1) may be effected by the erection of signs or barricades. R.S.O. 1970, c. 380, s. 54 (2).

Barricades

(3) Where a district manager closes a public forest road or part of a public forest road under subsection (1) by the erection of barricades, he shall cause to be erected at each end of the public forest road or part so closed and at each intersection thereof with any other road a barricade upon which a red or flashing amber light visible for a distance of 150 metres shall be exposed and kept burning or operating continuously from sunset until sunrise, and at such ends and intersections shall cause to be erected a notice that the public forest road is closed. R.S.O. 1970, c. 380, s. 54 (3); 1978, c. 87, s. 30 (3).

Permits

(4) Notwithstanding the closure of a public forest road, the district manager may grant a permit for travel on the public forest road subject to such terms and conditions as he considers advisable.

Offence

(5) Every person who, without lawful authority, travels on a public forest road that has been closed to travel by him under subsection (1) and who has had a reasonable opportunity of knowing that the road has been so closed or who removes or defaces any barricade, light or notice erected thereon by lawful authority is guilty of an offence and on conviction is liable to a fine of not more than \$500 and is also liable to the Crown in right of Ontario for any damage or injury occasioned by such wrongful use, removal or defacement. R.S.O. 1970, c. 380, s. 54 (4, 5).

**Partial
closure**

50. Where the district manager closes a public forest road to the public generally with the exception of persons operating vehicles used for hauling forest products or other products designated by the regulations, sections 62, 91, 92, 93, 94 and 97 of the *Highway Traffic Act* do not apply to the public forest road or to vehicles operated on the public forest road, as the case may be. R.S.O. 1970, c. 380, s. 55.

R.S.O. 1980,
c. 198

**Private
forest
roads**

51.—(1) Except as provided in subsection (2), a private forest road is not open to travel by the public. R.S.O. 1970, c. 380, s. 56 (1).

Agreements

(2) The Minister may enter into an agreement with a person who occupies a private forest road under the authority of a document issued under this Act or the regulations for opening the private forest road or part thereof to travel by the public generally or by any class or classes of the public as may be agreed upon, and thereupon the

private forest road is open to travel by the public generally or by the class or classes of the public agreed upon for such time or times and upon such terms and conditions as are set forth in the agreement, provided that a permit has been issued or validated under the *Highway Traffic Act* or the regulations made thereunder for any vehicle used in such travel. 1975, c. 65, s. 2. R.S.O. 1980,
c. 198

(3) Without limiting the generality of subsection (2), an agreement may provide that the cost of constructing, reconstructing or maintaining a private forest road shall be shared in the proportions agreed upon. Idem

(4) Notwithstanding the use of a private forest road by the public or a class or classes thereof under subsection (2), a private forest road remains a private forest road and is not a highway within the meaning of the *Highway Traffic Act*, but the provisions of the *Occupational Health and Safety Act* and the regulations made thereunder that apply to haul roads apply with necessary modifications to the private forest road. Status
of road

R.S.O. 1980,
c. 321

R.S.O. 1970, c. 380, s. 56 (3, 4).

(5) Where an agreement has been made under subsection (2), the district manager of the administrative district of the Ministry in which the private forest road is situate may, from time to time in his discretion and for such period or periods as he may determine, close the private forest road or part thereof to travel by the public generally or by any class or classes of the public with the exception of persons operating any class or classes of vehicle used for hauling forest products or other products designated by the regulations, and thereupon section 49 applies with necessary modifications. Closure of
private
forest
roads

R.S.O. 1970, c. 380, s. 56 (5); 1972, c. 1, s. 1.

52. The Lieutenant Governor in Council may make regulations designating products for the purposes of sections 49, 50 and 51. Regulations

R.S.O. 1970, c. 380, s. 57.

PART III

PROVISIONS OF GENERAL APPLICATION

53. Where land was, before the 29th day of March, 1961, sold under Part I of *The Public Lands Act*, being chapter 324 of the Revised Statutes of Ontario, 1960, or located under Part II of that Act, the Minister may direct the issue of letters patent to the purchaser or locatee or any person claiming under or through the purchaser or locatee, Issue of
patents

- (a) who has built a house on the land that is fit for habitation;

- (b) who has resided on the land or other land of which he is the registered owner that is distant not more than eight kilometres from the land so sold or located for one or more periods totalling at least three years;
- (c) who, in respect of land in the Territorial District of Cochrane or in the Territorial District of Timiskaming, has cleared and cultivated at least seven hectares of the land or who, in respect of land, other than land in the Territorial District of Cochrane or in the Territorial District of Timiskaming, has cleared and cultivated at least 10 per cent of the land; and
- (d) who pays the balance of the purchase price of the land and the interest thereon. R.S.O. 1970, c. 380, s. 58; 1978, c. 87, s. 30 (4).

**Reservation
of trees**

54.—(1) All trees on land that has been disposed of under this Act for agricultural purposes remain the property of the Crown until the issuance of letters patent, whereupon the property in such trees passes to the patentee.

**Cutting
rights of
settlers
before
patent**

(2) During the time the trees on land that has been disposed of under this Act for agricultural purposes remain the property of the Crown, the purchaser or locatee of such land or anyone claiming under him may cut and use all such trees as are necessary for building on and fencing such land, and he may cut and dispose of all such trees required to be removed in clearing the land for cultivation, but no trees except those necessary for such building and fencing shall be cut beyond the limit of the actual clearing without the consent in writing of an officer authorized by the Minister for the purpose.

**Payment of
Crown dues**

(3) All trees cut under subsection (2) and sold or bartered are subject to the payment of the same charges as are at the time payable by the holders of licences to cut timber, unless the Minister otherwise directs in writing.

**Revocation
of timber
licences on
settlers'
land**

(4) Where land is disposed of under this Act for agricultural purposes and a licence to cut timber on such land is subsisting at the time the disposition is made, the licence shall be deemed to be revoked in respect of such land, and in any such case the Minister may compensate the holder of such licence by granting him a licence to cut timber elsewhere. R.S.O. 1970, c. 380, s. 59.

**Property
in trees
vested in
patentee**

55.—(1) Where land is disposed of under this Act for agricultural purposes, the property in all trees thereon shall be deemed to have passed to the patentee by the letters patent, and every reservation of any class or kind of tree contained in the letters patent shall be deemed to be void.

(2) A reservation of all timber and trees or any class or kind of tree contained in letters patent granting public lands disposed of under this or any other Act for a summer resort location is void. Reservations of trees voided

(3) A reservation of all timber and trees or any class or kind of tree contained in letters patent dated on or before the 1st day of April, 1869 and granting public lands disposed of under this or any other Act is void. Idem

(4) Subsections (2) and (3) do not affect the rights of the holder of a licence under the *Crown Timber Act* subsisting on the 26th day of June, 1970. R.S.O. 1970, c. 380, s. 60 (1-4). Exception R.S.O. 1980, c. 109

(5) Where public lands have been disposed of by the Crown under this or any other Act and some but not all of the species of trees thereon have been reserved to the Crown and are not under timber licence, the Minister may, if the lands comprise not more than eighty hectares, or, if the lands comprise more than eighty hectares, the Minister may, with the approval of the Lieutenant Governor in Council, acquire any species of trees not so reserved or release any species of trees so reserved at such price and upon such terms and conditions as he considers proper. R.S.O. 1970, c. 380, s. 60 (5); 1978, c. 87, s. 30 (5). Release of trees reserved, etc.

56. In sections 54 and 55, the expression "this Act" includes any predecessor of this Act. R.S.O. 1970, c. 380, s. 61. Interpretation

57. In any letters patent issued for lands located or sold under this Act for agricultural purposes on or after the 1st day of April, 1957, the mines and minerals shall be reserved to the Crown. R.S.O. 1970, c. 380, s. 62. Reservation of mines and minerals

58.—(1) In the case of land patented before the 6th day of May, 1913, the mines and minerals therein shall be deemed to have passed to the patentee by the letters patent, and every reservation thereof contained in the letters patent or by statute is void. Mines and minerals on certain lands to be deemed to have passed to patentee

(2) Subsection (1) does not apply where,

(a) the mines and minerals or any of them in any land have been alienated or disposed of under the *Mining Act* or any predecessor of that Act; Exception as to application of subs. (1) R.S.O. 1980, c. 268

(b) the mines or minerals or any of them have reverted or may hereafter revert to the Crown through abandonment, cancellation, forfeiture or otherwise.

Lands
patented
after May
6th, 1913

(3) In the case of lands patented after the 6th day of May, 1913, mines and minerals pass to the patentee unless expressly reserved by the letters patent. R.S.O. 1970, c. 380, s. 63 (1-3).

Certificate

(4) The Minister or the Deputy Minister of Natural Resources may issue a certificate as to the issue of letters patent with respect to any lands, mines or minerals affected by this section and every such certificate shall be received and recorded in the proper land registry office. R.S.O. 1970, c. 380, s. 63 (4); 1972, c. 4, s. 12.

Fee for
certificate

(5) An applicant for a certificate under subsection (4) shall pay a fee of \$5 for every such certificate. R.S.O. 1970, c. 380, s. 63 (5).

Ores, etc.,
to be
treated in
Canada

59.—(1) All lands patented or otherwise disposed of under this Act after the 12th day of April, 1917, are subject to the condition that all ores or minerals raised or removed therefrom shall be treated and refined in Canada, so as to yield refined metal or other product suitable for direct use in the arts without further treatment, in default whereof the patent or other form of title of such lands is void, and the lands revert to and become vested in the Crown, freed and discharged of any interest or claim of every other person.

Easements

(2) Where a dominant tenement reverts to and becomes vested in the Crown under subsection (1), any easement appurtenant thereto passes to the Crown and, where a servient tenement reverts to and becomes vested in the Crown, any easement to which the servient tenement is subject is not affected.

Power to
exempt
lands

(3) The Lieutenant Governor in Council is hereby authorized to exempt any lands from the operation of this section for such period of time as the Lieutenant Governor in Council considers proper. R.S.O. 1970, c. 380, s. 64.

Travel on
beaches

60. Any part of the public lands that is a beach and is used for travel by the public is not by reason only of such use a highway within the meaning of any Act. R.S.O. 1970, c. 380, s. 65.

Surface
rights in
roads, etc.

61.—(1) Unless the Minister otherwise directs, every patent, lease or licence of occupation issued under this Act shall contain a provision to the effect that the surface rights in any public or colonization road or any highway crossing the land granted, leased or licensed are excepted therefrom.

Idem

(2) Every patent, lease or licence of occupation issued under this Act shall reserve to the Crown such percentage, if any, of the surface rights of the land as the Minister considers necessary for road purposes.

(3) Where in any patent, lease or licence of occupation heretofore issued under this Act or any predecessor thereof there is a reservation of a percentage of the land for road purposes and the rights with respect thereto have not been exercised before the 1st day of May, 1963, the reservation shall be deemed to be a reservation of the surface rights only. R.S.O. 1970, c. 380, s. 66.

62.—(1) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, there shall be reserved to the Crown the right to construct on the land any colonization or other road or any road in lieu of or partly deviating from an allowance for road without making compensation therefor, and such right whether or not it is expressly reserved from the sale, location, lease, licence of occupation, mining claim or other disposition of the land or by the letters patent when issued shall be deemed to be so reserved.

Right to
make roads
reserved in
sales, etc.

(2) In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands or mining lands or mining rights, where the letters patent have been issued containing a reservation of any of the area for roads, wood, gravel and other materials required for the construction or improvement of any colonization or other road or of any road in lieu of or partly deviating from an allowance for road, may be taken from the land without making compensation therefor or for the injury thereby done to the land from which they are taken, and where the letters patent have been issued without a reservation being made of any of the area for roads, wood, gravel and other materials required for the purposes hereinbefore mentioned may be taken from the land, but compensation shall be paid as provided by the *Expropriations Act*.

Right to
take wood,
gravel, etc.,
for roads

R.S.O. 1980.
c. 148

(3) The rights mentioned in subsections (1) and (2) may be exercised by the Minister or by any person authorized by him to exercise them on behalf of the Crown.

Minister
or person
authorized
by him may
exercise
rights

(4) Where public lands over which a portage has existed or exists have been heretofore or are hereafter sold or otherwise disposed of under this or any other Act, any person travelling on waters connected by the portage has the right to pass over and along the portage with his effects without the permission of or payment to the owner of the lands, and any person who obstructs, hinders, delays or interferes with the exercise of such right of passage is guilty of an offence and on conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 380, s. 67.

Right of
passage over
portages

Release of
road
reservations

63.—(1) Where letters patent have issued for land that is in a municipality and the Minister is of opinion that the present and future needs of the locality as to roads are adequately provided for, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part from any reservation relating to roads mentioned in section 62 or in the letters patent.

Release of
access
reservation

(2) Where letters patent have issued for land that is in a municipality and contain a reservation of the right of access to the shores of all rivers, streams and lakes for all vessels, boats and persons, and the Minister is of the opinion that the reservation no longer serves a useful purpose or that the release of the reservation is in the public interest, he may, upon application of the owner of the land or any part thereof and upon payment of a fee of \$25, make an order releasing and discharging the land or part thereof from the reservation.

Registration
of orders

(3) Any order made under subsection (1) or (2) may be registered in the proper land registry office. R.S.O. 1970, c. 380, s. 68.

Reservation
of water
power on
public
lands

64. In all sales, free grant locations, leases, licences of occupation, mining claims and other dispositions of public lands, or mining lands or mining rights, the Minister may reserve from sale any water power or privilege, and such area of land in connection therewith as he considers necessary for the erection of buildings and plant and the development and utilization of the power, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land. R.S.O. 1970, c. 380, s. 69.

Building
conditions
in patents
voided

65. Where letters patent have issued granting summer resort lands subject to the conditions that the patentee shall within eighteen months from the date of the patent expend not less than \$300 in the construction of buildings or of other improvements and that no building or other construction shall be erected unless the plan and description thereof have been approved by the Minister, such conditions shall be deemed to be void and of no effect. R.S.O. 1970; c. 380, s. 70.

Certificate

66.—(1) The Minister may issue a certificate as to any condition, proviso or reservation that is void by statute.

Fee for
certificate

(2) An applicant for a certificate under subsection (1) shall pay a fee of \$15 for every such certificate. R.S.O. 1970, c. 380, s. 71.

67.—(1) In this section, "lot" includes block, parcel or any other designation given to an area of land. R.S.O. 1970, c. 380, s. 72 (1). Interpretation

(2) Subject to subsection (6), where public lands that have been disposed of by the Crown under this or any other Act are surveyed, subdivided and shown as lots on a plan to be deposited, filed or registered under any Act and the plan is signed by or on behalf of the owner of the land shown on the plan within five years of the issue of the letters patent granting the land, one-quarter in area of all the lots shown on the plan become the property of and are vested in the Crown and are public lands within the meaning of this Act upon the depositing, filing or registration of the plan. R.S.O. 1970, c. 380, s. 72 (2); 1978, c. 87, s. 30 (6) (a). Right of Crown to one-quarter of lots

(3) In cases under subsection (2), the Minister may make such selection of the lots on the plan as he and the person by whom the plan is to be registered agree upon, or the Minister may first select one lot and such person shall then select three lots and so on in turn, the Minister selecting one and such person three until the division is made. R.S.O. 1970, c. 380, s. 72 (3). Manner of selection

(4) The selection made under subsection (3) shall comprise as nearly as may be one-quarter in area of all the lots on the plan, and, for the purpose of subsection (2), the selection so made shall be deemed to comprise one-quarter in area of such lots. R.S.O. 1970, c. 380, s. 72 (4); 1978, c. 87, s. 30 (6) (b). Selection made deemed to be one-quarter of lots

(5) In cases under subsection (3), there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect: Certificate of Minister as to selection

I hereby certify that, pursuant to subsection 67 (3) of the

Public Lands Act, I have selected

.....from all the lots on this plan.

(lots)

Dated at Toronto, this.....day of.....,

19....

.....
Minister of Natural Resources

R.S.O. 1970, c. 380, s. 72 (5); 1972, c. 4, s. 12.

(6) The Minister, with the approval of the Lieutenant Governor in Council, may accept a money payment in lieu of Commutation

one-quarter in area of all the lots on the plan. R.S.O. 1970, c. 380, s. 72 (6); 1978, c. 87, s. 30 (6) (c).

Certificate
of Minister
as to money
payment

(7) In cases under subsection (6), there shall be endorsed on the plan a certificate of the Minister in the following words or in words of like effect:

Pursuant to subsection 67 (6) of the *Public Lands Act*, the Lieutenant Governor in Council by order-in-council No.
....., dated the day
of, 19...., has approved the
acceptance of a money payment in lieu of one-quarter in area
of all lots on this plan.

Dated at Toronto, this day of,
19....

.....
Minister of Natural Resources

R.S.O. 1970, c. 380, s. 72 (7); 1972, c. 4, s. 12; 1978, c. 87, s. 30 (6) (d).

Approval
of plan

(8) No plan to which this section applies shall be deposited, filed or registered until the Minister has approved the plan and, in approving such a plan, regard shall be had to the price paid to the Crown for the land, the purpose for which the land was purchased from the Crown, the purpose for which the land is being subdivided and such other matters as the Minister considers advisable in the public interest and in granting approval the Minister may impose such conditions as in his opinion are advisable.

Condition
precedent
to registra-
tion

(9) No plan to which this section applies and no instrument referring thereto shall be deposited, filed or registered in any land registry office until a certificate under subsection (5) or (7) and the approval of the Minister under subsection (8) are endorsed on the plan.

Entry of
Crown as
owner

(10) In cases under subsection (3), the land registrar shall, upon registration of the plan, enter Her Majesty the Queen in right of Ontario as the owner of the lots mentioned in the certificate endorsed thereon.

Mines and
minerals

(11) Nothing in this section affects any right in mines or minerals. R.S.O. 1970, c. 380, s. 72 (8-11).

PART IV

CONSTRUCTION OF DAMS

68. In this Part, "dam" includes a channel, diversion, dock, groyne, light, pier, slide, warning device, wharf or work for the control and regulation of water and any building, road, structure, service or temporary installation necessary or incidental thereto. 1971, c. 46, s. 5, *part*. Interpre-
tation

69. The Minister may design, construct, renovate, service, maintain, repair, furnish, equip, manage and administer dams. 1971, c. 46, s. 5, *part*. Construction

70. Land or any interest therein may be acquired or expropriated under the *Ministry of Government Services Act* for the purpose of this Part. 1971, c. 46, s. 5, *part*; 1973, c. 2, s. 2. Acquisition
of land
R.S.O. 1980,
c. 279

71. The Minister may enter into any contract or agree- ment that he considers advisable to effect the purposes of this Part. 1971, c. 46, s. 5, *part*. Agreements

72.—(1) In the event of emergency, as declared by the Lieutenant Governor in Council, respecting the safety of persons or the protection or preservation of public or private property, the Minister or any person authorized by him, may, without the consent of the owner, Power to
enter and
use

- (a) enter upon and use any land;
- (b) alter in any manner any natural or artificial feature of any land;
- (c) construct and use roads on, to and from any land;
- (d) construct and use all necessary sidings, water pipes, conduits or tracks in, over or upon any land; or
- (e) place upon or remove from any land any substance or structure.

(2) Any powers referred to in subsection (1) may be exercised immediately notwithstanding any provision of the *Expro- priations Act* and without the filing of a plan and the owner of the land is entitled to compensation in the manner provided in that Act. 1971, c. 46, s. 5, *part*. Compensa-
tion
R.S.O. 1980,
c. 148

